ESTTA Tracking number:

ESTTA339488 03/29/2010

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Steven Westlake							
Entity	Individual	lividual Citizenship UNITED STATES						
Address	PO Box 372 Binghamton, NY 13902 UNITED STATES							

Correspondence information	Steven Westlake PO Box 372 Binghamton, NY 13902 UNITED STATES
	saw@policegazette.us

Registration Subject to Cancellation

Registration No	3662484	Registration date	08/04/2009
Registrant	Edgar Alexander Barrera 22159 Ladera Street Grand Terrace, CA 92313 UNITED STATES		

Goods/Services Subject to Cancellation

Class 016. First Use: 1977/01/02 First Use In Commerce: 1977/01/02

All goods and services in the class are cancelled, namely: Magazines in the field of current events and sports

Class 041. First Use: 1977/01/02 First Use In Commerce: 1977/01/02

All goods and services in the class are cancelled, namely: Publication of magazines; Newspaper

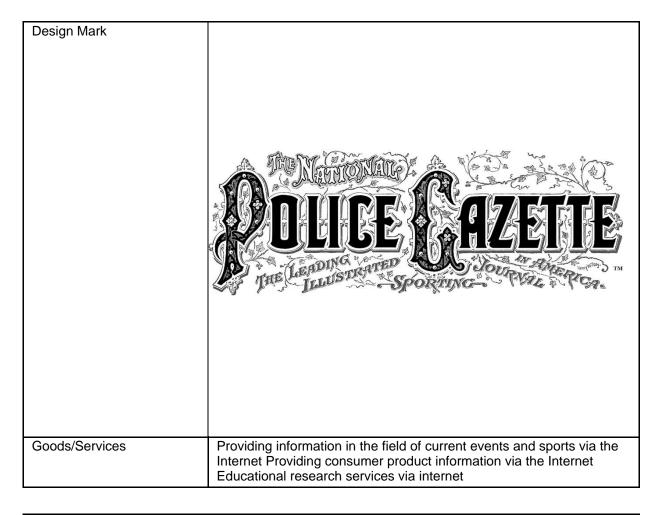
publication; Newspaper publishing

Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		



Attachments	Westlake_NPG_Logo.jpg
	Westlake_Petition_1.pdf (1 page)(671275 bytes)
	Westlake_Petition_2.pdf (1 page)(680583 bytes)
	Westlake_A_TOC.pdf (1 page)(826684 bytes)
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	Westlake_B4.pdf (1 page)(804798 bytes)
	Westlake_B5.pdf (1 page)(483350 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/steven westlake/
Name	Steven Westlake
Date	03/29/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 3662484

For the mark The National Police Gazette The Leading Illustrated Sporting Journal in America

Date registered August 4, 2009

Steven Westlake

V.

Edgar Alexander Barrera

PETITION TO CANCEL

Petitioner:

Steven Westlake

dba William A. Mays, National Police Gazette

PO Box 372

Binghamton, NY 13902

To the best of petitioner's knowledge, the name and address of the current owner of the registration are Edgar Alexander Barrera, 22159 Ladera Street, Grand Terrace, California 92313

The above-identified petitioner believes that he will be damaged by the above-identified registration, and hereby petitions to cancel same.

The grounds for cancellation are as follows:

I. The dates given in the registration for first use and first use in commerce are misrepresented. A magazine under this trademark has not been published since January 2, 1977. (See Exhibit A.)

II. Petitioner's website, www.policegazette.us, went live on April 8, 2007. (See Exhibit

B.) The word mark and logo design claimed by registrant are an exact match of the ones petitioner published on every page of petitioner's website and designated with the symbol "TM" on April 8, 2007. The website has published continuously since that date, and has appeared on the first page of search-engine results, making it easy to find for anyone interested in the Police Gazette. Registrant first filed nine and one-half months after petitioner's website went live.

III. The registration is damaging to petitioner and his business due to the confusion that will be caused in the public's mind. Petitioner publishes new articles, illustrations, and other materials on petitioner's website under the word mark and design depicted in the registration; petitioner provides a research service under this word mark and design for those wishing to research the original National Police Gazette; and petitioner sells merchandise, including but not limited to posters, calendars, clothing articles, and dishware, that all feature the word mark and design. The public must have a clear understanding of who to turn to in matters concerning this trademark.

By <u>1975, 121/25</u> Date <u>3-24-10</u>

Steven Westlake, petitioner

Exhibit A

Table of Contents

1WorldCat search for National Police Gazette showing the publication's run from 1845 to
1977
2WorldCat search for National Police Gazette restricted to years 1977 to 2010, showing no
results in category "Journal/Magazine/Newspaper"
3Ulrich's Periodicals Directory 2009 showing no entries for either "National Police
Gazette" or "Police Gazette"
6Ulrichsweb.com search on keyword "police gazette" showing no pertinent results
7United States Copyright Office letter describing results of search that shows most recent
registration for a serial publication named National Police Gazette was October 1969
9United States Copyright Office online search showing no results for "National Police
Gazerie"

Additionally, numerous online Google searches over the past three-and-one-half years on the keyword "National Police Gazette" have produced no results indicating the existence of a magazine or newspaper by that name having been published between the years 1977 and 2009.

Note that the petitioner's website, www.policegazette.us, was first mentioned in the Wikipedia article concerning the National Police Gazette on November 21, 2007. This mention was removed March 12, 2010, by a user who claimed that the National Police Gazette had published continuously since 1977. Other Wikipedia editors disputed this claim and it was subsequently removed from the article, which can be found at http://en.wikipedia.org/wiki/Police_Gazette.

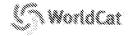
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National police gazette

Publishes

Bousts Point, N.Y. (etc.), Police Gazette Pub. Co. (etc),

(1845-1977)

Series:

(American periodicals series, 1800-1850, Reel 1318-

1340).: (MN *ZZAN-16768).

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Details

Material Type:

Periodical

Document Type:

Journal / Magazine / Newspaper

OCLC Number:

17269553

Notes:

Vol. 1, no. 1-4, originally issued Sept. 3-Oct. 4, 1845, is a reprint edition dated Oct. 15, 1845.

Description:

182 v. ill., ports. 29-42 cm.

Series Title:

(American periodicals series, 1800-1850, Reel 1318-1340); (MN *ZZAN-15756)

* Reviews

* Tags

Similar Items

Related Subjects: (2)

Crime and criminals - Periodicals.

Sports - Periodicals,

User lists with this item

Westlake, Petition to Cancel Reg. No. 3662484



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No results match your search for '<u>lev:"National Police Gazette"' > '1977, 2010' > 'Journal / Magazine / Newspaper'.</u> Having trouble? Help us improve our search and let <u>us know</u> what you're trying to find. Or, <u>save this search</u> for future reference.

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Price Florida, page 1883, SSN 194-1031 (203)
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Westlake, Petition to Concell Reg. No. 3662984



Complete result of search at Ulrichsweb.com on keyword "police gazette" March 24, 2010

Record 1 Marine Corps Gazette: the professional journal for United States Marines. United States. Marine Corps Association. ISSN: 0025-3170. Journal; Trade, Active, 1916.

Record 2 Police Service Gazette: organ for the Ulster Police Force, United Kingdom, Howard Publications, Newspaper; Consumer, Active, 1933.

Record 3 Royal Canadian Mounted Police, Gazette (Online), Canada, Royal Canadian Mounted Police, ISSN: 1910-3441, Magazine; Trade, Active, 2004.

Record 4 Royal Canadian Mounted Police, Gazette (Print), Canada, Royal Canadian Mounted Police, ISSN: 1196-6513, Magazine; Trade, Active, 1994,

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WESHake, Petition to Cancel Ray, No. 3662484

United States Copyright Office

Library of Congress - 101 Independence Avenue SE - Washington, DC 20539-6000 - www.copyright.gov

(A) 7

January 31, 2008

Steven Westlake

Binghamton, NY

Our reference: 2008800041

This refers to your request of recent date.

Our search in the appropriate Copyright Office indexes and catalogs that include works cataloged from 1955 through January 4, 2008 under the names Joseph Azaria; National Police Gazette Corporation; Police Gazette Publishing Company; Police Gazette Publishing Corporation; [H. H. Roswell]: and Harold Roswell and the title NATIONAL POLICE GAZETTE disclosed the following separate registration for a work identifiable as the most recent issue of a serial publication under these names and this specific title.

NATIONAL POLICE GAZETTE; Vol. 174, No. 10, October 1969.)
Registered in the name of National Police Gazette Corp., under B 528496 following publication August 27, 1969.

Effective June 26, 1992 renewal is automatic for all works published or copyrighted between January 1, 1964, and December 31, 1977. For additional information see the enclosed Circular 15.

The following registrations are reported as of possible interest:

THE POLICE GAZETTE. Edited by Gene Smith & Jayne Barry Smith. Appl. authors: Gene Smith (introd.) (A 382644); H. H. Roswell (A 382645). Registered in the name of Gene Smith, under A 382644 following publication October 31, 1972. Copyright is claimed on introd.



Steven Westlake

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THE POLICE GAZETTE. Edited by Gene Smith & Jayne Barry Smith. Appl. authors: Gene Smith (introd.) (A 382644); H. H. Roswell (A 382645). Registered in the name of H. H. Roswell, under A 382645 following publication October 31, 1972. Copyright is claimed on foreword & compilation.

Our search in the Copyright Office indexes that include documents cataloged through January 4, 2008 under the names National Police Gazette Corporation; and Police Gazette Corporation and the title NATIONAL POLICE GAZETTE (October 1969 issue) disclosed no recordation of any document pertaining to this work.

The most recent address for the Police Gazette Publishing Corporation as shown in the records of this Office is reported as follows:

Police Gazette Publishing Corporation (1969) 535 Fifth Avenue New York, NY 10017

Your credit card has been debited in the amounts of \$100.00 and \$200.00 totaling \$300.00 in payment of this search and report.

Patricia A. Rigsbee

Senior Copyright Research Specialist Records Research & Certification Section

Enclosures: Remitter's credit card receipts Circulars 1, 14, 15, 15a

(C. 7.7.7.1) Scarch Records Results



Serials Database (Title Search)

Search For: NATIONAL POLICE GAZETTE

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Chational points directory (1 rem)	
NATIONAL POLICE JOURNAL (1 Rem)	
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Exhibit B

Table of Contents

Yahoo! order confirmation showing monthly Web hosting service for www.policegazette.us established January 11, 2007
 Website file list of live website, printed August 17, 2007, showing several folders last modified April 9, 2007, and several pages last modified in May 2007
 Website file list of live images showing several images last modified April 9, 2007, including WebLogoTM.jpg
 Image designated WebLogoTM.jpg, showing the symbol "TM"

Westlake, Petition to Cancel Reg. No. 3662464

ZECO! SMALL BUSINESS Welcome,





Your order #87780247 has been submitted. Please print this page for your records,

Your Order Summary

Yahoo! ID::

Domain Namey policegazelle us

Today's Charges

Monthly fee

\$3 1.95/ma.

Totati

3 511.95

Recurring Monthly Charges

Each month we'll sutomatically bill your bredit card for these fees.

Web Hosting Starier

\$11.95

Your Payment Information

Below you'll find your payment information, which you can view or change anyfime on your <u>Billing Information page</u>. Please note that we will charge this credit card each billing period until you cancel.

Payment information:

Card type:

Card number:

Expiration date:

Express Checkout:

Note: Yahoof takes credit card fraud seriously. Yehoo! may attempt to contact you to verify that you authorized the credit card charge associated with your order. If Yahoof is unable to contact you, your service may be terminated and the domain name registration canceled. If your service is terminated, your credit card will not be charged.

Get Started

Special Offers

Get help promoting your new business with these offers!

- Will Email me about how to activate three free months of email marketing from GOT.
- Sand me information and special offers from Yahoo! Search Marketing about how. to drive traffic to my web site

Ready to start using your new pian?

Get Started



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policegazette.us: Web	Hosting	Starter
Web Hosting Control P	anel	

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YAHOO!. SMALL BUSINESS (SIGN CANDELL FOR)

policegazette.us: Web Hosting Starter

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Manage My Services

Web Hosting Control Panel

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westlake, Petition to Concel Reg. No. 3662484



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